



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER OF PATENTS AND TRADEMARKS
Washington, D.C. 20231
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST-NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/935,727	08/24/2001	Reiner L. Gentz	PF454P2	3532

22195 7590 11/05/2002

HUMAN GENOME SCIENCES INC
9410 KEY WEST AVENUE
ROCKVILLE, MD 20850

EXAMINER

O HARA, EILEEN B

ART UNIT	PAPER NUMBER
----------	--------------

1646

DATE MAILED: 11/05/2002

5

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/935,727

Applicant(s)

GENTZ ET AL.

Examiner

Eileen B. O'Hara

Art Unit

1646

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 1 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-48 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☐ Claim(s) ____ is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☒ Claim(s) 1-48 are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on ____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on ____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. ____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) ____.
- 4) ☐ Interview Summary (PTO-413) Paper No(s). ____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____.

DETAILED ACTION

Election/Restrictions

1. Restriction to one of the following inventions is required under 35 U.S.C. 121:
 - I. Claims 1-14, drawn to methods of treating or preventing an inflammatory disease or disorder or treating or preventing inflammation, comprising administering to an animal a protein of SEQ ID NO: 2, classified in class 514, subclass 2.
 - II. Claims 15-25, drawn to a method of treating or preventing an autoimmune disease or disorder, comprising administering to an animal a protein of SEQ ID NO: 2, classified in class 514, subclass 2.
 - III. Claims 26-30, drawn to a method of treating or preventing graft vs. host disease (GVHD), comprising administering to an animal a protein of SEQ ID NO: 2, classified in class 514, subclass 2.
 - IV. Claims 31-35, drawn to a method of treating or preventing allergy or asthma, comprising administering to an animal a protein of SEQ ID NO: 2, classified in class 514, subclass 2.
 - V. Claims 36-48, drawn to nucleic acid molecules encoding polypeptides of SEQ ID NO: 2 or fusion proteins thereof, vectors, host cells and method of recombinantly producing protein, classified in class 536, subclass 23.5, class 435, subclasses 320.1, 252.3 and 69.1, for example.
2. The inventions are distinct, each from the other because of the following reasons:

Inventions V is related to each of inventions I-IV in that the nucleic acids encode the

Art Unit: 1646

polypeptide, which is used in the methods of treatment of inventions I-IV. They are distinct inventions because the nucleic acids can be used in a method other than producing the polypeptide, such as in a method of hybridization.

Inventions I-IV are related to each other in that the inventions are all methods of treatment with the polypeptide of SEQ ID NO: 2, however, the different diseases or disorders of the inventions have different etiologies and are therefore distinct inventions, and therefore different considerations for enablement.

Because these inventions are distinct for the reasons given above and have acquired a separate status in the art because of their recognized divergent subject matter or classification, restriction for examination purposes as indicated is proper.

Applicant is advised that the reply to this requirement to be complete must include an election of the invention to be examined even though the requirement be traversed (37 CFR 1.143).

Applicant is reminded that upon the cancellation of claims to a non-elected invention, the inventorship must be amended in compliance with 37 CFR 1.48(b) if one or more of the currently named inventors is no longer an inventor of at least one claim remaining in the application. Any amendment of inventorship must be accompanied by a request under 37 CFR 1.48(b) and by the fee required under 37 CFR 1.17(i).

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Eileen B. O'Hara, whose telephone number is (703) 308-3312. The examiner can normally be reached on Monday through Friday from 10:00 AM to 6:30 PM.

Art Unit: 1646

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Yvonne Eyler can be reached at (703) 308-6564.

Official papers Before Final filed by RightFax should be directed to (703) 872-9306.

Official papers After Final filed by RightFax should be directed to (703) 872-9307.

Official papers filed by fax should be directed to (703) 308-4242.

Any inquiry of a general nature or relating to the status of this application should be directed to the Group receptionist whose telephone number is (703) 308-0196.

Eileen B. O'Hara, Ph.D.

Patent Examiner



LORRAINE SPECTOR
PRIMARY EXAMINER

ELECTRONIC INFORMATION DISCLOSURE STATEMENT

Electronic Version v18

Stylesheet Version v18.0

Title of Invention

SYSTEM AND METHOD FOR SELECTABLE FUNDING OF ELECTRONIC TRANSACTIONS

Application Number: 09/985900

09/985900

Confirmation Number: 4559

First Named Applicant: Glen Cataline

Attorney Docket Number: 47004.000115

Art Unit: 2161

Search string: (5640577 or 5659469 or 5832464 or 5870725 or 5930778 or 5940844 or 5945653 or 6041315 or 6065675 or 6111858 or 6006208 or 5198975 or 5122950 or 5444794 or 5590196 or 5336870 or 6129273 or 6149056 or 4617457 or 6038553 or 6105011 or 5592377 or 5321238 or 5751842 or 5910988 or 6032137 or 20010018739 or 20010037309).pn.

US Patent Documents

Note: Applicant is not required to submit a paper copy of cited US Patent Documents

init	Cite.No.	Patent No.	Date	Patentee	Kind	Class	Subclass
	1	5640577	1997-06-17	Scharmer			
	2	5659469	1997-08-19	Deaton			
	3	5832464	1998-11-03	Houvener			
	4	5870725	1999-02-09	Belinger			
	5	5930778	1999-07-27	Geer			
	6	5940844	1999-08-17	Cahill			
	7	5945653	1999-08-31	Walker			
	8	6041315	2000-03-21	Pollin			
	9	6065675	2000-05-23	Teicher			
	10	6111858	2000-08-29	Greaves			
	11	6006208	1999-12-21	Forst			
	12	5198975	1993-03-30	Baker			
	13	5122950	1992-06-16	Benton			
	14	5444794	1995-08-22	Uhland			

	15	5590196	1996-12-31	Moreau
	16	5336870	1994-08-09	Hughes
	17	6129273	2000-10-10	Shah
	18	6149056	2000-11-21	Stinson
	19	4617457	1986-10-14	Granzow
	20	6038553	2000-03-14	Hyde
	21	6105011	2000-08-15	Morrison
	22	5592377	1997-01-07	Lipkin
	23	5321238	1994-06-14	Kamata
	24	5751842	1998-05-12	Riach
	25	5910988	1999-06-08	Ballard
	26	6032137	2000-02-29	Ballard

US Published Applications

Note: Applicant is not required to submit a paper copy of cited US Published Applications

init	Cite.No.	Pub. No.	Date	Applicant	Kind	Class	Subclass
	1	20010018739	2001-08-30	Anderson			
	2	20010037309	2001-11-01	Carlyle St. Vrain			

Signature

Examiner Name	Date

ELECTRONIC INFORMATION DISCLOSURE STATEMENT

Electronic Version v18

Stylesheet Version v18.0

Title of Invention	SYSTEM AND METHOD FOR SELECTABLE FUNDING OF ELECTRONIC TRANSACTIONS																																																																																																										
<div style="display: flex; justify-content: space-between;"> <div> <p>Application Number: 09/985900</p> <p>Confirmation Number: 4559</p> <p>First Named Applicant: Glen Cataline</p> <p>Attorney Docket Number: 47004.000115</p> <p>Art Unit: 2161</p> <p>Search string: (5649117 or 5659165 or 5679938 or 5677955 or 5679940 or 5692132 or 5699528 or 5703344 or 5708422 or 5710889 or 5715298 or 5715399 or 5715314 or 5724424 or 5727249 or 5770843 or 5794221 or 5802498 or 5793861 or 5819236 or 5826241 or 5823463 or 5826245 or 5832447 or 5832460 or 5823464 or 5835603 or 5852812 or 5859419 or 5864609 or 5870456 or 5870721 or 5873072 or 5883810 or 5884288 or 5897625 or 5903881 or 5920847 or 5940811 or 5943656 or 5966698 or 5978780 or 6003762 or 6338049 or 3653480 or 5326959 or 5430644 or 5444841 or 5448471 or 5506691).pn.</p> </div> <div style="text-align: right;"> <p>*09/985900*</p> </div> </div>																																																																																																											
<p>US Patent Documents</p> <p>Note: Applicant is not required to submit a paper copy of cited US Patent Documents</p> <table border="1" style="width: 100%; border-collapse: collapse; text-align: center;"> <thead> <tr> <th>init</th> <th>Cite.No.</th> <th>Patent No.</th> <th>Date</th> <th>Patentee</th> <th>Kind</th> <th>Class</th> <th>Subclass</th> </tr> </thead> <tbody> <tr><td></td><td>1</td><td>5649117</td><td>1997-07-15</td><td>Landry</td><td></td><td></td><td></td></tr> <tr><td></td><td>2</td><td>5659165</td><td>1997-08-19</td><td>Rogers</td><td></td><td></td><td></td></tr> <tr><td></td><td>3</td><td>5679938</td><td>1997-10-12</td><td>Templeton</td><td></td><td></td><td></td></tr> <tr><td></td><td>4</td><td>5677955</td><td>1997-10-14</td><td>Doggett</td><td></td><td></td><td></td></tr> <tr><td></td><td>5</td><td>5679940</td><td>1997-10-21</td><td>Templeton</td><td></td><td></td><td></td></tr> <tr><td></td><td>6</td><td>5692132</td><td>1997-11-25</td><td>Hogan</td><td></td><td></td><td></td></tr> <tr><td></td><td>7</td><td>5699528</td><td>1997-12-16</td><td>Hogan</td><td></td><td></td><td></td></tr> <tr><td></td><td>8</td><td>5703344</td><td>1997-12-30</td><td>Bezy</td><td></td><td></td><td></td></tr> <tr><td></td><td>9</td><td>5708422</td><td>1998-01-13</td><td>Blonder</td><td></td><td></td><td></td></tr> <tr><td></td><td>10</td><td>5710889</td><td>1998-01-20</td><td>Clark</td><td></td><td></td><td></td></tr> <tr><td></td><td>11</td><td>5715298</td><td>1998-02-03</td><td>Rogers</td><td></td><td></td><td></td></tr> <tr><td></td><td></td><td></td><td></td><td></td><td></td><td></td><td></td></tr> </tbody> </table>				init	Cite.No.	Patent No.	Date	Patentee	Kind	Class	Subclass		1	5649117	1997-07-15	Landry					2	5659165	1997-08-19	Rogers					3	5679938	1997-10-12	Templeton					4	5677955	1997-10-14	Doggett					5	5679940	1997-10-21	Templeton					6	5692132	1997-11-25	Hogan					7	5699528	1997-12-16	Hogan					8	5703344	1997-12-30	Bezy					9	5708422	1998-01-13	Blonder					10	5710889	1998-01-20	Clark					11	5715298	1998-02-03	Rogers											
init	Cite.No.	Patent No.	Date	Patentee	Kind	Class	Subclass																																																																																																				
	1	5649117	1997-07-15	Landry																																																																																																							
	2	5659165	1997-08-19	Rogers																																																																																																							
	3	5679938	1997-10-12	Templeton																																																																																																							
	4	5677955	1997-10-14	Doggett																																																																																																							
	5	5679940	1997-10-21	Templeton																																																																																																							
	6	5692132	1997-11-25	Hogan																																																																																																							
	7	5699528	1997-12-16	Hogan																																																																																																							
	8	5703344	1997-12-30	Bezy																																																																																																							
	9	5708422	1998-01-13	Blonder																																																																																																							
	10	5710889	1998-01-20	Clark																																																																																																							
	11	5715298	1998-02-03	Rogers																																																																																																							

12	5715399	1998-02-03	Bezos
13	5715314	1998-02-03	Payne
14	5724424	1998-03-03	Gifford
15	5727249	1998-03-10	Powell
16	5770843	1998-06-23	Stolfo
17	5794221	1998-08-11	Egendorf
18	5802498	1998-09-01	Comesanas
19	5793861	1998-09-11	Haigh
20	5819236	1998-10-06	Josephson
21	5826241	1998-10-20	Stein
22	5823463	1998-10-20	Hans-Joachim Fissmann
23	5826245	1998-10-20	Sandberg-Diment
24	5832447	1998-11-03	Rieker
25	5832460	1998-11-03	Bednar
26	5823464	1998-11-03	Houvener
27	5835603	1998-11-10	Coutts
28	5852812	1998-12-22	Reeder
29	5859419	1999-01-12	Wynn
30	5864609	1999-01-26	Cross
31	5870456	1999-02-09	Rogers
32	5870721	1999-02-09	Norris
33	5873072	1999-02-16	Kight
34	5883810	1999-03-16	Franklin
35	5884288	1999-03-16	Chang
36	5897625	1999-04-27	Gustin
37	5903881	1999-05-11	Schrader
38	5920847	1999-07-06	Koiling
39	5940811	1999-08-17	Norris
40	5943656	1999-08-24	Crooks
41	5966698	1999-10-12	Pollin
42	5978780	1999-11-02	Watson
43	6003762	1999-11-21	Hayashida
44	6338049	1999-01-08	Walker et al.
45	3653480	1972-04-04	Yamamoto
46	5326959	1994-07-05	Perazza
47	5430644	1995-04-04	Deaton

	48	5444841	1995-08-22	Glasser
	49	5448471	1995-09-05	Deaton
	50	5506691	1996-04-09	Bednar

Signature

Examiner Name	Date